

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

LATIN AMERICAN MUSIC CO., INC.,
ET AL.,

Plaintiffs,

v.

THE ARCHDIOCESE OF SAN JUAN OF THE
ROMAN CATHOLIC AND APOSTOLIC
CHURCH, ET AL.,

Defendants.

CIVIL NOS. 96-2312 (PG)
97-2356 (PG)
97-2875 (PG)
98-1597 (PG)
00-1618 (PG)

FINAL PARTIAL JUDGMENT

In light of this Court's Opinion and Order of even date, this Final Partial Judgment is hereby issued as follows:

- A. The Special Master's Report and Recommendation is **NOT ADOPTED** as to the 39 songs and the widow's interest in the renewal terms of the same; to wit, No. 274 "Adiviname;" No. 277 "Amanecer Borincano;" No. 282 "Ciego Por Tres Dias;" No. 284 "Echa Pa' Lante;" No. 285 "Ensalada de Ingles y Espanol;" No. 286 "Estampas Puertorriquenas;" No. 287 "Experimento;" No. 288 "Felices Dias;" No. 289 "Feliz Ano Nuevo;" No. 290 "Fiesta de Aves;" No. 291 "Guajira Borincana;" No. 292 "Huerfano de Madre;" No. 293 "Jardines de Borinquen;" No. 294 "Jesus Amoroso;" No. 295 "La Copa Rota;" No. 296 "La Jibara Mia;" No. 297 "Liquidacion de Feos;" No. 299 "Lo Que Nadie Puede Pintarse;" No. 300 "Lo Que Tu No Sabes;" No. 301 "Los Pares De Francia;" No. 306 "Mil Felicidades;" No. 307 "Mujer Traidora;" No. 308 "No Cambio A Mi Puerto Rico;" No. 310 "Nuestras Mujeres;" No. 311 "Nuestros Pueblos;" No. 312 "Parranda Jibara;" No. 313 "Pelea Entre Hermanos;" No. 315 "Preso Por Tu Amor;" No. 316 "Pueblos Borinquenos;" No. 317 "Puerto Rico Es Un Diamante;" No. 318 "Puerto Rico Y Yo;" No. 320 "Romances Y Flores;" No. 321 "Rosas del Campo;" No. 322 "Si Sabes Querer;" No. 323 "Siempre Amor;" No. 324 "Sin Remedio;" No. 325 "Triste Y Solitario;" No. 326 "Tristeza En Navidad;" and No. 328 "Viva Puerto Rico," shall be **AWARDED** to Peer International Corporation;
- B. The joint motion for summary judgment by Peer International Corporation, Peer International Corporation of Puerto Rico, Southern Music Publishing Company, Inc., Peermusic Ltd., Sonido, Inc. d/b/a FAF Publishing, EMI Catalogue Partnership, EMI April Music,

Inc., and Broadcast Music Inc. (collectively referred to as the "Peer Parties"), is hereby **GRANTED** as it applies to the aforementioned songs, and Peer International Corporation is entitled to recover from Latin-American Music Company, Inc. ("LAMCO"), Asociacion de Compositores y Editores de Musica Latino Americana, Inc. ("ACEMLA"), and Mr. Luis Raul Bernard (hereafter referred to as the "LAMCO Parties"), jointly and severally, the sum of \$29,250 assessed by this Court as statutory damages for the infringement of its copyrights in the aforementioned 39 songs under 17 U.S.C. § 504(c);

- C. Having granted the Peer Parties' motion for injunctive relief, the LAMCO Parties, their agents, servants, employees, contractors and all persons, firms, corporations or entities acting under their direction, authority or control, and all persons acting in concert with any of them, are permanently enjoined from authorizing or purporting to authorize or license the public performance or any other use of the Peer Parties' compositions object of this consolidated litigation, and from otherwise infringing or contributing to or participating in the infringement of the aforementioned songs;
- D. The LAMCO Parties are hereby ordered to delete all references to the Peer Parties' compositions from their catalogues and all marketing or promotional materials;
- E. The LAMCO Parties are hereby ordered to file the appropriate quitclaims and assignments and to otherwise have expunged from the records of the Copyright Office any and all unlawful contracts, assignments or other recorded documents affecting the Peer Parties' title in and to the compositions object of this consolidated litigation;
- F. A default judgment hereby issues in favor of Pontifical Catholic University Services Association, Inc. and against ACEMLA in the amount of \$27,124;
- G. Attorney fees shall issue in favor of American Society of Composers, Authors and Publishers and against the LAMCO Parties in the amount of \$69,220.25, plus costs as taxed by the Clerk of Court;
- H. The prevailing parties are authorized to submit applications for reasonable attorney fees and costs;
- I. Special Master, Mr. Morton D. Goldberg, is entitled to recover from the LAMCO Parties, jointly and severally, the sum of \$152,865.13 in compensation for services rendered as Special Master;
- J. Having granted the motions for voluntary dismissal filed by, 97-2356 (PG) and 98-1597 (PG) are hereby **DISMISSED WITH PREJUDICE**;
- K. Having granted the request for voluntary dismissal of the antitrust counterclaim filed in Cv. No. 96-2312,

Civil No. 96-2312 (PG)

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docketed as No. 17, by Isabela Broadcasting, Kelly Broadcasting, Bestov Broadcasting, and VI-MAN Broadcast, the same is **DISMISSED WITHOUT PREJUDICE;**

- L. Having granted the request for voluntary dismissal of the third-party complaints filed by Isabela Broadcasting, Kelly Broadcasting, Bestov Broadcasting, and VI-MAN Broadcast in Civil No. 96-2312 (PG), these are hereby **DISMISSED WITH PREJUDICE;** and
- M. All other claims, counterclaims and third-party complaints in Cv. Nos. 96-2312, 97-2356, 97-2875, 98-1597 and 00-1618, having been denied or involuntarily dismissed for failure to comply with the Court's Order of August 1, 2005, unless otherwise addressed by this Final Partial Judgment, these are hereby **DISMISSED WITH PREJUDICE.**

IT IS SO ORDERED AND ADJUDGED.

San Juan, Puerto Rico, September 26, 2005.

S/ JUAN M. PÉREZ-GIMÉNEZ
JUAN M. PÉREZ-GIMÉNEZ
UNITED STATES DISTRICT JUDGE